

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BOBBIE JANE SMITH,
Plaintiff,

v.

NANCY A. BERRYHILL,
Defendant.

Case No.18-cv-00887-VKD

**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
DISMISSED**

Plaintiff Bobbie Jane Smith filed this action on February 20, 2018. Dkt. No. 1. Pursuant to the Social Security Procedural Order issued on February 12, 2018, Ms. Smith's motion for summary judgment or for remand was due within 28 days of service of defendant Nancy A. Berryhill's answer. Dkt. No. 6. Secretary Berryhill filed an answer and the administrative record on October 1, 2018, making Ms. Smith's motion due on October 29, 2018. Dkt. Nos. 20, 21. Ms. Smith failed to file her motion by October 29.

On November 5, 2018, seven days after Ms. Smith's motion was due, the parties filed a stipulation to extend time for Ms. Smith to file her motion for summary judgment, requesting an additional 45 days until December 13, 2018. Dkt. No. 22. The Court found that there was no good cause to grant the request and denied it, giving Ms. Smith until November 13, 2018 to file her summary judgment motion. Dkt. No. 23. Ms. Smith failed to file her motion by November 13.

The Court possesses the inherent power to dismiss an action sua sponte "to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33 (1962).

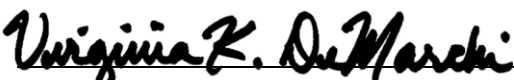
Accordingly, Ms. Smith is directed to file a written response to this order by **November**

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20, 2018 and to appear before the Court on **November 27, 2018 at 10:00 a.m.** in Courtroom 2, Fifth Floor, 280 South First Street, San Jose, California 95113 and show cause why this action should not be dismissed without prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated: November 16, 2018


VIRGINIA K. DEMARCHI
United States Magistrate Judge